

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VINCENT DIBENEDETTO,

Plaintiff,

-against-

MAURICE COLEY,

Defendant.

VALENTIN ORDER

22-CV-05926 (PMH)

PHILIP M. HALPERN, United States District Judge:

Vincent DiBenedetto (“Plaintiff”) commenced this action on July 11, 2022. (Doc. 1). This action was reassigned to this Court on December 9, 2022 and by Order dated December 12, 2022, the Court directed service on Maurice Coley (“Defendant”). (Doc. 7). On February 15, 2023, Plaintiff filed an Affidavit of Non-Service indicating that the attempt to serve Defendant was unsuccessful because “[D]efendant has been retired since 12/2020.” (Doc. 10). Plaintiff’s time to serve the Summons and Complaint expired on March 12, 2023, but on March 9, 2023, Plaintiff requested that the deadline to serve be extended to June 12, 2023. (Doc. 12).

DISCUSSION

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). In the Complaint, Plaintiff supplies sufficient information to permit the New York State Police to identify Defendant Maurice Coley (Badge Number 4013), who Plaintiff alleges caused him injury during a traffic stop that occurred the morning of August 15, 2018. (Doc. 1). It is therefore ordered that the New York State Attorney General, who is the attorney for and agent of the New York State Police, must ascertain the address where Defendant may be served. If Defendant is a former employee or officer of the New York State Police, the New York State Attorney General must provide the residential address where

Defendant may be served. The New York State Attorney General must provide this information to Plaintiff and the Court within thirty (30) days of the date of this Order.


Plaintiff's time to effect service on Defendant is extended to June 12, 2023. If service has not been effected by that date, Plaintiff should request an additional extension of time. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

CONCLUSION

The Clerk of Court is directed to: (i) mail a copy of this Order and the Complaint to the New York State Attorney General at: 28 Liberty Street, New York, New York 10005; and (ii) mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: White Plains, New York
March 13, 2023



PHILIP M. HALPERN
United States District Judge